

REMARKS

In accordance with the foregoing, claim 10 has been amended, and claims 1-8, 10, and 12-28 are pending and under consideration. No new matter is presented in this Amendment.

CLAIM OBJECTIONS UNDER 37 CFR 1.75 (c):

Claim 10 is objected under 37 CFR 1.75 (c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 10 has amended to depend from claim 8. Applicants request entry under 37 CFR 1.116, since the amendment to claim 10 should not necessitate a new search, does not significantly change the scope of the claims, and at least puts the application in better form for appeal. See MPEP 714.12.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1 – 4, 7, 8, 13 – 20, and 23 – 26 are rejected under 35 U.S.C. §103(a), as being unpatentable over Sugita et al. (U.S. Patent 6,432,578 B1). The Examiner admits that Sugita et al. fails to disclose that the cut portion begins at the lower edge of the electrode tab, and extends along more than half of a width thereof. However, the Examiner asserts that such a configuration would have been obvious, because the configuration is easier to manufacture.

The Examiner does not provide evidence that supports such an assertion, or explain how such a change, at the time of the invention, would have been known to ease manufacturing. Applicants also respectfully submit that the Examiner is impermissibly using hindsight to arrive at such an assertion. Nowhere in Sugita et al. are manufacturing difficulties associated with incising the electrode tab discussed. However, numerous possible variations are discussed with regard to the electrode tab. For example, at column 8, lines 64 – 67, the incised portion is recited to have various shapes, such as, “a U-shape, a V-shape, a trapezoidal shape wherein one of its sides is at right angles to the upper side and the lower side, or a shape with round corners....” In addition, at column 14, lines 16 – 19, the electrode tab is recited to possibly not be formed by a folded incised portion, but rather, can be an additional piece that is spot welded to the electrode body.

In view of the extensive above-mentioned variations of an electrode tab, Applicants respectfully assert that, if the presently claimed configuration was obvious, it would have surely been included as an example, as Sugita et al. seems to include all the variations known at the time. Moreover, such extensive variations demonstrate that there were not a limited number of ways to implement the tabs in Sugita et al. Therefore, the fact that the presently claimed electrode tab was not disclosed in Sugita et al. is evidence that the presently claimed invention

was not obvious in view of the teachings of Sugita et al. Based on the foregoing, this rejection is respectfully traversed. Reconsideration and withdrawal are respectfully requested.

Claims 5, 6, 12, 21, 22, 27, and 28 are rejected under 35 U.S.C. §103(a), as being unpatentable over Sugita et al. (U.S. Patent 6,432,578 B1) as applied to claims 1, 8, and 20 above, and further in view of Narukawa et al. (U.S. Patent 5,508,122). The Examiner admits that Sugita et al. fails to disclose an insulating tape to adhere the electrode tab. However, the Examiner asserts it would have been obvious to combine the electrode tapes allegedly taught in Narukawa et al., with the teachings of Sugita et al., to arrive at the presently claimed invention, because such a combination would assure that each lead would not touch another electrode.

Applicants respectfully assert that not only is there no motivation or evidence of record that supports such a combination, Sugita et al. actually teaches away from such a combination. In addition, such a combination would destroy the functionality of the apparatus of Sugita et al. For example, at column 4, lines 64 – 67, and column 5, lines 1 – 4, Sugita et al. discloses that it is preferable not to use adhesive tape in the terminal portion, because this may cause a decrease in working efficiency and unexpected chemical reactions. In addition, at column 8, lines 28 – 34, Sugita et al. teaches that a bent portion of the electrode tab “extends in the direction of the bottom of the cell outer can....” As such, the use of electrode tape to secure the electrode tab would prevent the extension of the electrode tab, destroying the ability of the disclosed electrode tab to decrease the movement of the electrode body, and in addition, would increase manufacturing difficulty with no discernable benefit. Therefore, one skilled in the art would not be motivated to combine the teachings of Sugita et al. and Narukawa et al., through the use of the tape, in view of Sugita et al.’s specific teaching to not use the tape, and to instead rely on the shown bent portion.

Based on the foregoing, this rejection is respectfully traversed. Reconsideration and withdrawal are respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge

the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date:

12/27/07

By:

M. T. Gill

Matthew T. Gill
Registration No. 48,490

1400 Eye St., N.W.
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510